

### REMARKS

This amendment is submitted in response to the Examiner's Action dated December 31, 2003. Applicant has amended the claims to clarify key features of the invention and overcome the claim rejections. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicant respectfully requests entry of the amendments to the claims. The discussion/comments provided below in response to the claim rejections reference the claims in their amended form.

### CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

In the present Office Action, Claims 1-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by O'Toole, et al. (U.S. Patent No. 6,345,294). O'Toole does not anticipate Applicant's claimed invention because O'Toole does not teach each feature recited by Applicant's claims.

Applicant's independent claims now recite the following features:

(1) "configuring said network to provide support for said component, wherein, when an OS supports only components within a partition among the one or more network-level partitions to which the OS is assigned, said configuring process includes informing the OS assigned to a partition to which said node belongs of the presence of the component and enabling OS and other support for said component;" and

(2) "a network administration utility that, and in response to said network manager dynamically determining when a component is added, notifies an OS registered with said network administration utility that said component is added, wherein said OS updates required OS parameters to enable OS support of said component" (emphases added).

Additional features are recited by dependent claims, include:

(3) "registering the OS with a management system of said network" and "automatically alerting said OS via said management system that said component is added-to said node;"

(4) "associating said component to at least one partition of said network from among the one or more network-level partitions;" and

(5) "checking for subscribed consumers within the partition, said subscribed consumers including said one or more OS; and notifying said OS of said component only when said OS is assigned to said partition or said OS has subscribed to be notified of new components and has correct access privileges for the partition in which the node exists, wherein each OS is provided predefined access privileges to particular ones of said one or more network-level partitions."

O'Toole provides remote booting and configuration of a network appliance (i.e., without a local boot server or person familiar with configuring the appliance) (Abstract and Summary, col. 3, line 21-39). General implementation features of O'Toole includes providing a self-organized distributed appliance (SODA) for a "self organized network that efficiently distributes big data items, i.e., data items that cannot be downloaded timely (on demand)," such as high-quality video (Abstract, Summary, col. 3, lines 40-52). O'Toole's system is designed to "alleviate[s] network bottlenecks" (Abstract; col. 3, lines 51-52) and particularly removes hands-on or localized configuration of the appliance (see col. 3, lines 6-20).

The specific sections of O'Toole cited by Examiner to support the 102 rejection do not teach (or suggest) the above features of Applicant's claims. For example, O'Toole (at col. 2, lines 1-13 and col. 3, lines 20-35) provides an appliance sending a DHCP packet to obtain configuration information from a boot server. However, with respect to Claims 1 and 17, O'Toole does not teach (or suggest) the OS being assigned to specific partitions and "informing the OS assigned to a partition" during the configuring process, features that are clearly recited within Claims 1 and 17.

Also, with respect to Claims 2 and 18, col. 2, line 28 and col. 7, lines 40-67 of O'Toole are devoid of any teaching of registering an OS with a management system of the network to provide notification to the OS when the component is detected and/or the management system actually alerting (signaling) the OS when the component is detected. Those sections describe: (1) Microsoft Windows® providing an option for a user "to tell the computer using a dialog check box that every time the computer boots the computer should broadcast a message and try to obtain the IP address from a DHCP server," rather than manually store the IP address of the computer in a box (see col. 2); and (2) the boot server responding to a received DHCP request

with a message that includes IP address and subnet mask of the appliance, and IP address of one or more routers and named servers (*see col. 7*).

Notably, both sections are focused on allowing the computer system (i.e., the component or appliance) to request and then receive its IP address and other operating parameters when it first boots up or is first connected to the network. Nowhere in these sections is there any mention of the "third party" OS registering with a management utility to receive notification when a component (or appliance) is added.

Reviewing the sections cited against Claims 6 and 20 and Claims 7, 12, 13, and 22, Applicant notes that column 27, lines 5-12 and column 28, lines 1-11 provide no teaching or suggestion of detecting a network-level partition to which a component is added and notifying only the specific OS(s) that have registered to receive notification and have access privilege for that network-level partition. Together, these two sections described a single file system having (1) a read-only partition for states that require no updates and (2) one or more read-write (updatable) partition(s) for states that require updates. The section further states that having two partitions "reduces the chance of the entire disk becoming inconsistent" (emphasis added). Column 13, lines 6-10 and column 4, lines 51-67 merely (1) describe the ability of a SODA network to be expanded (based on a customer's need) by adding another SODA appliance to share the load and (2) distributing these appliances across the internet.

(4) With respect to Claim 8 (and Claim 14), Col. 20, lines 14-17 (and 55-59) of O'Toole fails to teach (or suggest) key features recited by that claim. Lines 14-17 states: "The manager of a SODA network can change the information stored in the appliance registry at any time. The SODA appliances will reconfigure themselves when such a change is made." Lines 55-59 describe monitoring and tracking of appliances that are inoperative for a fixed length of time and automatically scheduling replacement appliances. It is unclear to Applicant what in these sections Examiner relies on to support the rejection of Claims 8 and 14.

First monitoring for inoperative appliances and automatically ordering new appliances to replace inoperative ones has no bearing on Applicant's invention. Second, O'Toole does not

provide therein a notification to the OS of the detection of the added component. Third, nothing in the first or second section teaches (or suggests) a network management utility (comprised solely of computer hardware and/or software components) that detects when a component is added and itself configures the network to provide OS and port support for the added component.

Having the appliances reconfigure themselves based on an action of the human network manager to change information in the appliance registry operates is functionally different from the process recited by Applicant's claim. First, Applicant's network manager utility is reactive to detected changes in the network and not the cause of the change to the network. Second, there is a human component in O'Toole while Applicant's process is dynamically accomplished.

Finally, Claims 15 and 21 features of detecting a partition and notifying the OS based on whether the OS has access permission for the partition are not taught nor suggested by col. 28, lines 3-11 of O'Toole. Examiner states here that "it is inherent in OS to provide access permission to the users or processes. However, such an analysis cannot be utilized when supporting a 102 rejection.

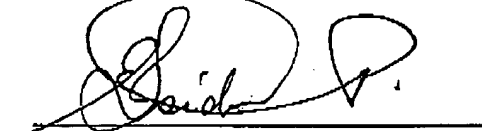
Clearly, many features of Applicant's claimed invention are not taught nor suggested by O'Toole. The standard for a § 102 rejection requires that the reference teach each element recited in the claims set forth within the invention. As explained in detail above, O'Toole fails to meet this standard and therefore does not anticipate Applicants' invention.

**CONCLUSION**

Applicant has diligently responded to the Office Action by amending the claims to more completely recite the features of the invention. Applicant also provides detailed arguments indicating why O'Toole does not teach the claimed invention. The combination of the amendments and the arguments overcomes the §102 rejection, and Applicant, therefore, respectfully requests reconsideration of the rejection and issuance of a Notice of Allowance for all claims now pending.

Applicant further respectfully requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



Eustace P. Isidore

*Registered with Limited Recognition (see attached)*

DILLON & YUDELL LLP

8911 North Capital of Texas Highway

Suite 2110

Austin, Texas 78759

512.343.6116

ATTORNEY FOR APPLICANT(S)